MAY 5 1956
HAROLD B. WILLEY, Clerk

IN THE

Supreme Court of the United States

OCTOBER TERM, 1955

NO. 929

PAUL GINSBURG, Petitioner,

v.

LOYAL H. GREGG, Guardian ad litem for BONN KRAUS GINSBURG and JOHN PAUL GINSBURG, Minors, Respondent.

PAUL GINSBURG, Petitioner,

v.

HON. RABE F. MARSH, JR., Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT; OR, IN THE ALTERNATIVE, MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS

HARRY ALAN SHERMAN,
PAUL GINSBURG,
Counsel for Petitioner

Carlton House
Pittsburgh 19, Pa.

SMITH BROS. CO. INC., LAW PRINTERS, 434-436 BLVD. OF ALLIES, PITTSBURGH 19, PA.

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v.

HON. RABE F. MARSH, JR., Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT; OR, IN THE ALTERNATIVE, MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS

To the Honorable the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

Paul Ginsburg respectfully prays that a writ of certiorari issue in the above captioned cases to review the judgments of the United States Court of Appeals for the Third Circuit rendered therein (Loyal H. Gregg, Guardian, etc., v. Ginsburg) January 10, 1956 (App. 8-9), Petitions for Rehearing denied January 30, 1956 (App. 10); (Ginsburg v. Hon. Rabe F. Marsh, Jr.) Amended Petition for Writ of Mandamus denied March 8, 1956

(App. 11); or, in the alternative, moves that petitioner be granted leave to file a petition for writ of mandamus directed to Hon. Rabe F. Marsh, Jr., District Judge of the United States District Court for the Western District of Pennsylvania, ordering him to show cause on a date to be fixed by this Court why a writ of mandamus should not issue from this Court directing him to vacate and expunge from the record the Orders entered by him on December 1, 1954, at Civil Action No. 11,521,* (R. 26a-27a), transferring the cause to the Arizona District and awarding compensation to the guardian ad litem from the interpleaded fund prior to trial or adjudication of adverse claims.

Opinions Below

The opinions of the United States District Court for the Western District of Pennsylvania (R. 15a-26a) are reported in 125 F. Supp. 920 (Appeal No. 11,571) and in 131 F. Supp. 950 (Appeal No. 11,572). The opinions of the United States Court of Appeals for the Third Circuit (App. 1-7) are reported in 228 F.2d 881. In the matter of Paul Ginsburg, petitioner, v. Hon. Rabe F. Marsh, Jr., respondent, the Court of Appeals rendered no opinion, and the case is not reported.

Jurisdiction

The jurisdiction of this Honorable Court is invoked under Sections 1254 and 1651 of the Judicial Code.

The Court of Appeals denied petitions for rehearing without opinion at Nos. 11,571 and 11,572 on January 30,

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* Record references not contained in the within appendix are in 3 CCA appendix for Appellant at No. 11,571.

1956 (App. 10). The Court of Appeals denied the amended petition for Writ of Mandamus at No. 11,738 on March 8, 1956 (App. 11). On April 9, 1956, this Honorable Court entered an Order extending the time for filing Petition for Writ of Certiorari to and including May 9, 1956, and to conform therewith the Court of Appeals entered an Order dated April 17, 1956, staying issuance of the mandates to May 9, 1956 (App. 14).

Questions Presented

1. Where jurisdiction in the District Court is obtained under the Interpleader Act of June 25, 1948, c. 646, 62 Stat. 936, 28 U.S.C.A., para. 1397, after the framing of the issue and the discharge of the interpleading plaintiff, upon deposit of the insurance fund in the said District Court, may a District Judge transfer the cause and fund under Sec. 1404(a), 62 Stat. 937, to the United States District Court for Arizona District where:

(a) The sole parties in the Court below are the apparent owner-beneficiary of the fund and a Court appointed guardian ad litem for minor adverse claimants, both the apparent owner and the guardian being residents of the Western District of Pennsylvania.

(b) The apparent owner-beneficiary, interpleaded defendant below, has never submitted himself or otherwise been subject to the jurisdiction of the Arizona District.

(c) The order of transfer was made after another Judge in the same District had entered an order refusing to transfer the cause.

2. Does the record below justify transfer under 28 U.S.C.A., 1404(a)?

3. Is the interpretation by the Court below of para. 1404(a), 28 U.S.C.A. and paragraphs 1335, 1397 and 2361 of 28 U.S.C.A. unconstitutional, depriving interpleaded defendant, petitioner herein, of his right to trial by jury of his peers within the jurisdiction of the United States District Court for the Western District of Pennsylvania, in violation of Articles VII and XIV of the United States Constitution?

4. May a District Judge, prior to determination of title to an interpleaded fund, award to a guardian ad litem for minor adverse claimants thereto, compensation or fees out of the said fund?

5. Where the Court of Appeals summarily dismisses without argument or opinion, both a petition for writ of mandamus and a petition for writ of prohibition; and where thereafter an appeal is dismissed as presenting questions asserted to be interlocutory and then an amended petition for writ of mandamus is subsequently filed and again dismissed summarily without argument, should the writ of certiorari here be granted to avoid irreparable damage and deprivation of constitutional and lawful rights of appellant below; or, in the alternative, should mandamus here issue to said respondent judge of said District Court as prayed for herein?

6. Is an interpleaded fund, the subject matter of the litigation, a res so as to constitute the proceeding in the District Court an in rem proceeding?

7. May the courts below assess costs against petitioner personally while allowing all other charges, including fees, out of the interpleaded funds?

Statutes Involved

The statutory provisions involved are paragraphs 1334, 1335, 1397, 1404(a) and 1441(a) and 2361 of the Act of June 25, 1948, Chapter 648, 62 Stat. 931, 28 U.S.C.A., the pertinent and relevant provisions of which said statutes are referred to or printed in Brief and Appendix for Appellant at No. 11,571 in the Court of Appeals at pages 9, 10, 17, 4, and 20.

Statement

The Mutual Life Insurance Company of New York having been sued by minor claimants in Arizona and by the owner-beneficiary in New York, under the provisions of 28 U.S.C.A., para. 1335, and para. 2361, interpleaded the said parties in the Western District of Pennsylvania, being the place of residence of the named owner-beneficiary. For the purpose of obtaining process upon the minor Arizona claimants, a temporary guardian ad litem was appointed by consent of counsel for all parties on June 16, 1953.

Service of the complaint was effected on all parties and prior to the filing of answers, motion was made by the guardian ad litem for change of venue to the Arizona District. On August 27, 1953, the said motion was denied by the Honorable Joseph P. Willson, District Judge (R. 12a-14a).

Several other motions were made, argued and disposed of prior to December 23, 1953, when an order was entered appointing the said temporary guardian as permanent guardian ad litem "to conduct the aforesaid litigation to its termination".

Several other preliminary motions were thereafter filed and answers were filed, and on January 28, 1954, the permanent guardian ad litem moved for change of venue, which motion, after considerable intermediate arguments, was granted by an opinion of June 11, 1954 (R. 15a-22a), reaffirmed in a supplemental opinion and order by the Honorable Rabe F. Marsh, Jr., District Judge, on December 1, 1954 (R. 23a-27a).

Concurrently with the order transferring the cause to the Arizona District for trial, an order was entered by the said Rabe F. Marsh, Jr., District Judge, awarding to the permanent guardian, the sum of $1500.00 "from the funds deposited in the registry of this Court", which is contained in 3CCA Brief and Appendix for appellant at No. 11,572, pp. 2a-9a.

A petition for writ of prohibition was forthwith filed in the Court of Appeals and was summarily denied; immediately thereafter the notice of appeal was filed. Prior to filing of briefs pursuant to the said appeal a petition for mandamus was filed in the said court which said petition was summarily denied. The briefs upon the appeals were then filed, and after argument the appeal from the order of transfer was dismissed on the grounds that the said order was interlocutory (App. 8); the appeal from the award of fees for the guardian from the interpleaded fund was denied with an opinion (App. 9) entered by the Court of Appeals, costs being placed upon appellant in both appeals.

Reasons for Granting the Writ

1. The broad application of the language of the decision of this Honorable Court in the case of *Norwood v. Kirkpatrick*, 75 Sup. Ct. 544, was still further expanded by the decision of the District Judge and the learned Court below in incorporating statutory interpleader proceedings, in rem in their nature, within the discretionary power of a District Judge to transfer under 1404(a) of the Act of June 25, 1948. Further, under the interpretation as now expanded by the opinions of the Court below, it is no longer essential that a transferred cause be sent to a district "where it might have been brought"; the Court below now construes the discretionary powers of a District Judge under 1404(a), supra, to be a license to transfer any case, to any District Court anywhere, without restriction as to jurisdictional requirements set forth in the statute itself, or without regard to the provisions of the Constitution of the United States.

2. Neither this Honorable Court nor any Circuit Court has yet ruled upon the applicability of paragraph 1404(a) supra to the statutory interpleader provisions under paragraph 2361 of the said Act of January 25, 1948; and the decision of the District Judge below as sustained by the Circuit Court below establishes a dangerous precedent upon which the constitutional safeguards of litigants in federal courts are all made subject to the whims of a District Judge who no longer need concern himself about the guarantees afforded a plaintiff under the statutes and the Constitution of the United States if he, without answerability or review, can perfunctorily and in most cases finally in effect order trans-

fer to district courts with impunity and without right of appeal.

3. By the decision of the Court below the statutory interpleader act is made completely subject to the unlimited discretion of a District Judge who can at will invoke Section 1404(e) supra, to negate same contrary to the intention of Congress.

4. The questions presented are of extreme importance in the administration of the federal court system and particularly as it applies to the disposition of cases pending in the trial courts and the stability and applicability of rules of civil procedure for the following reasons:

(a) Under the aegis of the unprecedented view incorporated in the opinions of the Court below, acts of Congress may be judicially legislated out of existence as has therein been effected with regard to the statutory interpleader act.

(b) A plaintiff's formerly universally accepted and recognized right of choice of forum is completely abolished by the decision below.

(c) Even the broad principles laid down by the Majority of this Honorable Court in the case of *Norwood v. Kirkpatrick, supra,* are ignored under the guise of newly acquired windfall rights flowing from the Norwood decision to District Judges.

(d) In ignoring the right of an interpleading party to choose a statutory forum for determination of title to a fund deposited in reliance thereon within the protection of a District Court, the learned courts below

have set a dangerous precedent in the shifting of a valuable res before determination of title thereto as required by law.

(e) In ordering disbursements from a fund on deposit in the Registry of a District Court pending determination of interpleaded claims against the title thereto, the Courts below have set another dangerous precedent contrary to the prevailing law applicable thereto and which will, if not prevented by certiorari and reversal by this Honorable Court, point the way to a complete dissipation of funds deposited under the interpleader statutes to the deprivation of the rightful owner thereof, even prior to their day in court and determination of their rights therein.

Conclusion

The petition for writ of certiorari or, in the alternative, motion for leave to file petition for writ of mandamus as hereinabove set forth, should be granted.

Respectfully submitted,

HARRY ALAN SHERMAN
PAUL GINSBURG,
Carlton House,
Pittsburgh, Pa.
Counsel for Petitioner

APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 11,571 and 11,572

THE MUTUAL LIFE INSURANCE CO. OF NEW YORK,
a Corporation
v.
BONN KRAUS GINSBURG and JOHN PAUL GINSBURG,
Minors, Betty K. Ginsburg and Paul Ginsburg
PAUL GINSBURG, Appellant

Appeal from the United States District Court for the Western District of Pennsylvania.

Argued December 20, 1955
Before GOODRICH, McLAUGHLIN and STALEY,
Circuit Judges.

Opinion of the Court

(Filed January 10, 1956)

By GOODRICH, *Circuit Judge.*

These two pieces of litigation are between the same parties and revolve around the same subject matter. While the questions are different the two cases are, for convenience, treated in one opinion.

I.

The first case is an appeal from an order made by a judge of the Western District of Pennsylvania ordering a case to be transferred from that district to the District

of Arizona.[1] The authority for the transfer was section 1404(a) of 28 U.S.C. which reads as follows:

> "(a) For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought."

Problems arising under this section are not unknown to this Court. We have held that the exercise of the district judge's discretion in this matter is not reviewed by mandamus or prohibition. *All States Freight, Inc. v. Modarelli,* 196 F.2d 1010 (1952). We did say a writ should issue in one case but that was not to review the judge's discretion but to indicate that he did have a discretion to exerise. *Paramount Pictures, Inc. v. Rodney,* 186 F.2d 111 (1950), *cert. denied,* 340 U.S. 953 (Mar. 26, 1951). Subsequently, when a transfer under the provisions of 1406(a) of 28 U.S.C. was challenged, we declined to review by writ the court's power to make the order. In doing so we acknowledged that our theory was in conflict with that espoused by several other circuits in 1404(a) transfer cases. *Gulf Research & Development Co. v. Leahy,* 193 F.2d 302, 305 (1951), *aff'd per curiam by an equally divided Court,* 344 U.S. 861 (Oct. 27, 1952), *rehearing denied,* 344 U.S. 900 (Dec. 8, 1952); cf. *Bankers Life & Casualty Co. v. Holland,* 346 U.S. 379 (1953).

In this litigation the appellant has already applied to this Court for writs of prohibition and mandamus respectively. This Court has denied, without issuing a

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1. Mutual Life Ins. Co. of New York v. Ginsburg, 125 F. Supp. 920 (W.D. Pa. 1954).

rule to show cause, the application in both instances. Prohibition was denied on December 7, 1954; mandamus was denied on October 6, 1955. So we are not confronted here with the question whether in an extraordinary case the appeal should be treated as an application for mandamus or prohibition. Cf. 6 MOORE, FEDERAL PRACTICE ¶ 54.10[4], p. 93 (1953). Since the writs have been denied, that is the end of the matter so far as the extraordinary relief is concerned.[2]

We have here then a case in which the appeal comes somewhat out of the usual order, the application for the extraordinary writs having been made first. This Circuit has been very explicit in holding that an order of transfer made under section 1404(a) is an interlocutory order and not appealable. *Tivoli Realty, Inc. v. Paramount Pictures, Inc.*, 186 F.2d 120 (1950), a per curiam following the decision of the Court in *Paramount Pictures, Inc. v. Rodney, supra.* See authorities cited in *All States Freight, Inc. v. Modarelli, supra;* cf. *Bankers Life & Casualty Co. v. Holland, supra,* at p. 382. This

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2. See SHORTT, MANDAMUS AND PROHIBITION 372, 490 (London 1887); Bodenham v. Ricketts, 6 N. & M. 537 (K.B. 1836). In the Bodenham case a rule to show cause was issued and subsequently discharged. Renewal of the application for the writ was made. Affidavits stating matter not before presented to the Court, but existing at the time of the original application, were offered. The Court held that it could not open the rule.

A comparable situation is presented where a plaintiff seeks a formal remedy to which he is not entitled. He is precluded from again litigating the very question which was litigated in the prior action. See RESTATEMENT, JUDGMENTS, §§ 49 and 65 (1942).

is the view set out in 6 MOORE, FEDERAL PRACTICE ¶ 54.12[1], p. 115; ¶ 54.14, p. 140 (1953).

This point decides the case in accordance with the motion made by the appellee to dismiss because the order of the district judge was interlocutory and not appealable.

The motion to dismiss will be granted.

II.

The appellant's second appeal has to do with the propriety of a fee allowed a guardian ad litem payable from a fund in the custody of the Court.[3] This guardian ad litem was appointed to protect the interest of minors who may have a claim to the fund. It is found as a fact that they are without means to prosecute the case themselves. The appointment was not objected to, in the first instance, by the appellant herein although he did object to the temporary appointment being made permanent.

The first question involved is whether the order appealed from is appealable at this stage. We think the answer to that question is "yes." The order directing payment disposes of a portion of the fund which is within the control of the court and, to that extent, is final in the disposition made. Two cases involving allowing fees in trust and receivership cases are directly in point. *Trustees v. Greenough,* 105 U.S. 527, 531 (1881); *Fahey v. Calverly,* 208 F.2d 197, 199 (9th Cir. 1953), *cert. denied sub nom. Mallonee v. Fahey,* 347 U.S. 955 (1954).

3. Mutual Life Insurance Co. of New York v. Ginsburg, 131 F. Supp. 950 (W.D. Pa. 1954).

The second question is whether fees may properly be allowed out of the fund. The fund is the proceeds of a life insurance policy which had been deposited in the registry of the court pursuant to court decree by the insurance company. It was proper for the court to appoint a guardian to represent the interest of the minors. This is expressly provided for in section 17 (c) of the Federal Rules of Civil Procedure. If a guardian is properly appointed and renders services he certainly should be paid. The appellant urges that the matter is simply one between attorney and client and as such the person employing the attorney should pay his fee. But the minors in this case did not retain the guardian ad litem who is also the lawyer who acted as attorney at law to protect their interests. He was appointed by the court in pursuance of the court's duty to protect the interest of minors who cannot protect themselves. It is not at all like a case where an adult retains a lawyer to represent him in a lawsuit. Except in special instances the lawyer's fees are not taxed as part of the costs. But here the guardian ad litem-attorney was a court appointed officer to represent the interest of these minors with regard to a particular fund in the control of the court. We think it quite clear that compensation was to be allowed for the reasonable value of the services rendered and allowed from the fund itself.

The following language from *Hunter v. Federal Life Ins. Co.*, 111 F.2d 551, 557 (8th Cir. 1940), is in point. The court, through Judge Sanborn, said:

". . . So far as the guardian ad litem is concerned, the appellant had joined in the request for the

> appointment of such a guardian for the children. It is not suggested how his services could have been dispensed with or how he could be compensated otherwise than out of the fund deposited by the plaintiff. We think there was no lack of power and no abuse of discretion in connection with the allowance made him."

And this position is sustained by adequate authority from many courts.[4]

We do not need to face the question here whether federal or state law controls because we do not think there is any difference.[5]

The third question is whether the fees allowed were reasonable. The district court made careful findings of fact on this point. It found the amount of time the

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4. Strunk v. United States, 80 F. Supp. 432, 435 (E.D. Ky. 1948); Hawkey v. United States, 108 F. Supp. 941, 946 (E.D. Ill. 1952); Brown v. United States, 84 F. Supp. 489, 493 (N.D. Iwa, 1949); Pettus v. Hendricks, 113 Va. 326, 74 S.E. 191, 193 (1912); Tracy v. Martin, 363 Mo. 108, 249 S.W.2d 321 (1952); Hoffman v. Morgan, 206 Okl. 57, 245 P.2d 67, 70 (1952); Lalakea v. Laupahoehoe S.Co., 35 Hawaii 262 (1939); but see Warner v. Florida Bank & Trust Co. at West Palm Beach, 160 F.2d 766, 773 (5th Cir. 1947); Franz v. Buder, 38 F.2d 605 (8th Cir. 1930).

5. See In re Hallstead's Estate, 338 Pa. 257, 12 A.2d 912 (1940). Since 1936 guardians ad litem for minor defendants have by statute been entitled to "a reasonable compensation for their service." PA. STAT. ANN. tit. 12 § 363 (1953). As a result of recent legislation, a guardian ad litem in the Pennsylvania Orphans' Court can be compensated from any source deemed appropriate by the judge. PA. STAT. ANN. tit. 20 § 2080.602 (1954).

guardian had spent and the various pieces of work he had done. We have no doubt that the amount allowed was completely within the bounds of reason.

At the argument of the appeal in this Court there was a motion by the guardian for the allowance of additional compensation for services rendered on behalf of the minors in this Court and for the reimbursement of necessary expenses. We think the request is reasonable. But without proof we do not think we ought to make an order upon the point. We shall, therefore, vacate the order of the district judge and return the case to the District Court for the Western District of Pennsylvania in order that evidence may be received as to the additional services of the guardian ad litem on this appeal and also proof of his out-of-pocket expenses. Then an order can be made adding the amount so found to be reasonable to the allowance already made. This is not a reversal, however, and the costs in this Court are to be taxed to the appellant in both appeals.

The judgment of the district court in No. 11,572 is vacated and the case remanded to the district court for further proceedings in accordance with this opinion.

A true Copy:

Teste:

Clerk of the United States Court of Appeals for the Third Circuit.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11,571

THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, a corporation

v.

BONN KRAUS GINSBURG and JOHN PAUL GINSBURG, minors, BETTY K. GINSBURG and PAUL GINSBURG

PAUL GINSBURG, Appellant

Present: GOODRICH, McLAUGHLIN and STALEY, Circuit Judges.

It is ORDERED that the appeal in the above-entitled case be, and it is hereby dismissed, with costs, for want of an appealable order.

Attest:
IDA O. CRESKOFF
Clerk

January 10, 1956

Received & Filed
Jan. 10, 1956
IDA O. CRESKOFF
Clerk

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11,572

THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, a corporation

v.

BONN KRAUS GINSBURG and JOHN PAUL GINSBURG, minors, BETTY K. GINSBURG and PAUL GINSBURG

PAUL GINSBURG, Appellant

On Appeal From the United States District Court for the Western District of Pennsylvania

Present: GOODRICH, McLAUGHLIN and STALEY, Circuit Judges.

Judgment

This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said District Court in this case be, and the same is hereby vacated, with costs, and the case remanded to the District Court for further proceedings in accordance with the opinion of this Court.

Attest:
IDA O. CRESKOFF
Clerk

January 10, 1956

Received & Filed
Jan. 10, 1956
IDA O. CRESKOFF
Clerk

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11,571 and 11,572

THE MUTUAL LIFE INSURANCE CO. OF NEW YORK,
a corporation

v.

BONN KRAUS GINSBURG and JOHN PAUL GINSBURG,
minors, Betty K. Ginsburg and Paul Ginsburg

PAUL GINSBURG, Appellant

Present: GOODRICH, McLAUGHLIN and STALEY,
Circuit Judges.

Sur Petition for Rehearing

After due consideration the petition for rehearing in the above-entitled case is hereby denied.

BY THE COURT
GOODRICH

Received & Filed
Jan 30 1956
IDA O. CRESKOFF
Clerk

Dated: January 30, 1956

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11,738

PAUL GINSBURG, Petitioner,

v.

HONORABLE RABE F. MARSH, JR., Judge of the United States District Court for the Western District of Pennsylvania

Present: BIGGS, Chief Judge, and MARIS and GOODRICH, Circuit Judges.

Upon consideration of the amended petition for writ of mandamus filed in the above-entitled case,

It is ORDERED that the petition be, and it is hereby denied.

BY THE COURT,
BIGGS
Chief Judge

March 8, 1956

Received & Filed
Mar 8 1956
IDA O. CRESKOFF
Clerk

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, a Corporation
v.
BONN KRAUS GINSBURG and JOHN PAUL GINSBURG, minors, et al.
PAUL GINSBURG, Appellant

Nos. 11,571 and 11,752

Motion for Final Stay on Mandates

NOW, comes the appellant, Paul Ginsburg, by his attorney, and moves this Honorable Court to enter an Order staying issuance of the mandates in the above appeals until May 9, 1956, in conformity with the Order entered on April 9, 1956, by the United States Supreme Court, a copy of which is as follows:

No. ..... October Term, 1955

PAUL GINSBURG, Petitioner,

v.

LOYAL H. GREGG, Guardian ad litem for BONN KRAUS GINSBURG and JOHN PAUL GINSBURG, Minors

* * * * *

PAUL GINSBURG, Petitioner,

v.

HON. RABE F. MARSH, JR.

ORDER EXTENDING TIME TO FILE PETITION FOR WRIT OF CERTIORARI

Upon Consideration of the application of counsel for petitioner(s),

It Is Ordered that the time for filing petition for writ of certiorari in the above-entitled causes be, and the same is hereby, extended to and including May 9, 1956.

/SGD/ HAROLD H. BURTON
Associate Justice of the Supreme Court of the United States

HARRY ALAN SHERMAN
Attorney for Appellant

Received & Filed
Apr 14, 1956
IDA O. CRESKOFF
Clerk

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11,571
No. 11,572

THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK,
a corporation
v.
BONN KRAUS GINSBURG and JOHN PAUL GINSBURG,
minors, BETTY K. GINSBURG and PAUL GINSBURG
PAUL GINSBURG, Appellant

Present: GOODRICH, McLAUGHLIN and STALEY,
Circuit Judges.

Upon consideration of the motion by appellant,

It is ORDERED that issuance of the mandates in the above-entitled cases be, and it is hereby stayed until May 9, 1956.

BY THE COURT,
GOODRICH
Circuit Judge

April 17, 1956

Received & Filed
Apr 17 1956
IDA O. CRESKOFF,
Clerk